

Agricultural Marketing Service, USDA

§ 201.14

named, except for the labeling of hybrids as provided in § 201.11a. If separate percentages for the kind and the variety or hybrid are shown, the name of the kind and the name of the variety or the term “hybrid” shall be clearly associated with the respective percentages. When two or more varieties are present in excess of 5 percent and are named on the label, the name of each variety shall be accompanied by the percentage of each.

[32 FR 12778, Sept. 6, 1967, and 33 FR 10840, July 31, 1968, as amended at 35 FR 6108, Apr. 15, 1970; 59 FR 64491, Dec. 14, 1994]

§ 201.11 Type.

(a) When type is designated, such designation may be associated with the name of the kind but shall in all cases be clearly associated with the word “type.” The percentage, which may be shown as “pure seed”, shall apply only to the type designated. If separate percentages for the kind and the type are shown, such percentages shall be clearly associated with the name of the kind and the name of the type.

(b) If the type designation does not include a variety name, it shall include a name descriptive of a group of varieties of similar character and the pure seed shall be at least 90 percent of one or more varieties all of which conform to the type designation.

(c) If the name of a variety is used as a part of the type designation, the seed shall be of that variety and may contain: (1) An admixture of seed of other indistinguishable varieties of the same kind and of similar character; or, (2) an admixture of indistinguishable seeds having genetic characteristics dissimilar to the variety named by reason of cross-fertilization with other varieties. In either case, at least 90 percent of the pure seed shall be of the variety named or upon growth shall produce plants having characteristics similar to the variety named.

[5 FR 30, Jan. 4, 1940]

§ 201.11a Hybrid.

If any one kind or kind and variety of seed present in excess of 5 percent is “hybrid” seed, it shall be designated “hybrid” on the label. The percentage that is hybrid shall be at least 95 per-

cent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of 5 percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show (a) the percentage of pure seed that is hybrid seed or (b) a statement such as “Contains from 75 percent to 95 percent hybrid seed.” No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed.

[33 FR 10840, July 31, 1968]

§ 201.12 Name of kind and variety.

The representation of kind or kind and variety shall be confined to the name of the kind or kind and variety determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of the kind or variety.

[20 FR 7929, Oct. 21, 1955]

§ 201.12a Lawn and turf seed mixtures.

Seed mixtures intended for lawn and turf purposes shall be designated as a mixture on the label and each seed component shall be listed on the label in the order of predominance.

[49 FR 1172, Jan. 10, 1984]

§ 201.13 Lot number or other identification.

The lot number or other identification shall be shown on the label and shall be the same as that used in the records pertaining to the same lot of seed.

[5 FR 30, Jan. 4, 1940, as amended at 59 FR 64491, Dec. 14, 1994]

§ 201.14 Origin.

(a) Alfalfa, red clover, white clover, and field corn (except hybrid seed corn) shall be labeled to show: (1) The origin, if known; or (2) if the origin is not